

Notice of Allowability

Application No.

10/764,920

Examiner

Michael Rutland-Wallis

Applicant(s)

SIBRAI ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/28/2006.
2. ☒ The allowed claim(s) is/are 1-14, 17-19 and 27-29.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of. Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Stephen B. Ackerman (Reg. No. 37,761) on January 19, 2007. The following items were amended:

In claim 14 line 14 - - (operational) - - has been added after the term "an" and before the term "amplifier".

In claim 14 line 17 "said amplifier stages" has been changed to - - capacitor switching stages - -.

Claim 15 is canceled.

In claim 29 line 7 - - (operational) - - has been added after the term "an" and before the term "amplifier".

Claim 30 is canceled.

Response to Arguments

Applicant's amendments are fully responsive to the 112 2nd paragraph rejections; hence the 112 rejections are hereby withdrawn.

Applicant's arguments and amendments (made via examiner's amendment above), with respect to the double patenting rejections have been fully considered and are persuasive. The double patenting rejections therefore have been withdrawn.

Allowable Subject Matter

Claims 1, 14 19, 29 and 30 are allowed. The following is an examiner's statement of reasons for allowance: Liu (U.S. Pat. No. 6,577,180) teaches a circuit to control the capacitance of a variable capacitor in a linear mode through a tuning voltage and to achieve a high Q-factor at the same time; comprising: a set of individual small capacitors (see capacitors in Fig. 3); a set of switching devices (transistors in Fig 3) to continually switch said capacitors connected in parallel; a means to linearly control (item 50) the switching function for each of said set of continuous switching devices; means to generate (voltage supplied through resistor chain item 40) a set of controlling signals (see item 40 Fig. 3), directly depending on the tuning voltage input, one for each of the

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capacitor switching stages; means to generate (item 20) a set of threshold values, one for each of the capacitor switching stages; and means to (item 30) provide a tuning voltage, dedicated for the voltage controlled capacitance change. Liu does not teach or fairly suggest the capacitors are switched in a linear mode combined with the limitation an analog ramp-up/down operation as claimed. At least these further limitations are not taught or rendered obvious by the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Rutland-Wallis whose telephone number is 571-272-5921. The examiner can normally be reached on Monday-Thursday 7:30AM-6:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on 571-272-2058. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MRW

A handwritten signature in black ink, appearing to read 'Robert L. Deberadinis', is written above the printed name.

ROBERT L. DEBERADINIS
PRIMARY EXAMINER